



17157 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Dock t No. 04860.P1637C2

(maximum 12 characters)

First Named Inv ntor John Harvey, III, et al.Titl : RETRIEVAL OF SERVICES BY ATTRIBUTEExpress Mail Label No. EV 409 362 325 US031356 U.S. PTO
10765925

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant Claims Small Entity Status. (37 CFR 1.27)
3. ☒ Specification (Total Pages 36)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawings(s) (35 USC 113) (Total Sheets 16)
5. ☒ Oath or Declaration (Total Pages 2)
 - a. ☐ Newly Executed (Original or Copy)
 - b. ☒ Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. ☐ DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
 - c. ☐ Unsigned.
6. ☐ Application Data Sheet. (37 CFR 1.76)
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
☐ b. Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ a. **Information Disclosure Statement (IDS)/PTO-1449**
☐ b. Copies of IDS Citations
13. ☒ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17A. ☐ Claim for Foreign Priority
- 17B. ☒ **Other:** Submission of Formal Drawings transmittal with 16 sheets of drawings; and
Petition for Suspension of Action (1 pg.)

17C. ☒ Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title (e.g., by way of preliminary amendment), or in an Application Data Sheet Under 37 C.F.R. 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)
 Of Prior Application No.: 08/848,543 Examiner Lao, Sue X. Group Art Unit 2126
 (which is a ☒ continuation/ ☐ divisional/ ☐ CIP of prior application no. 08/435,576,
 which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. Correspondence Address
 _____ Customer Number or Bar Code Label _____
 or _____ (Insert Customer No. or Attach Bar Code Label here)
☒ Correspondence Address Below

NAME James C. Schell, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 ADDRESS 12400 Wilshire Boulevard
South Florida
 CITY Los Angeles STATE California ZIP CODE 90025-1026
 Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

FEE TRANSMITTAL FOR FY 2004

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 1,008.00

Compleat if Kn wn:

Applicati n No. _____

Filing Date January 26, 2004First Named Inventor John Harvey, III, et al.

Examiner Name _____

Art Unit _____

Attorney Docket No. 04860.P1637C2

____ Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Credit any overpayments.☒ Charge any additional fees during the pendency of this application.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.☐ Charge fee(s) indicated below except for the filing fee.**FEE CALCULATION****1. BASIC FILING FEE**Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility application filing fee	<u>770.00</u>
1002	340	2002	170	Design application filing fee	_____
1003	530	2003	265	Plant filing fee	_____
1004	770	2004	385	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____

SUBTOTAL (1)\$ 770.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims <u>26</u> - 20 = <u>6</u>	X	<u>18.00</u>	= <u>108.00</u>
Indep nd nt Claims <u>3</u> - 3 = <u>0</u>	X	<u>86.00</u>	= <u>0</u>
Multiple D pendent Claims <u>0</u>	X	_____	= <u>0</u>

****Or number pr viously paid, if great r; For Reissues, s b low.**Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess f 20
1201	86	2201	43	Ind p nd nt claims in excess of 3
1203	290	2203	145	Multipl dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent

FEE CALCULATION (c ntinu d)**3. ADDITIONAL FEES**

<u>Larg</u>	<u>Entity</u>	<u>Small</u>	<u>Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
<u>F</u>	<u>Fee</u>	<u>Fe</u>	<u>F e</u>		
<u>Code</u>	<u>(\$)</u>	<u>Code</u>	<u>(\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per	
				property (times number of properties)	
1809	770	2809	385	For filing a submission after final rejection	
				(see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	770	2810	385	For each additional invention to be examined	
				(see 37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design	
				application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim	
				for priority	

Other fee (specify) Petition for Suspension of Action (1 page) 130.00

Other fee (specify) _____

SUBTOTAL (3)\$ 130.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: James C. Scheller Jr.Signature: [Signature] Date: 1/26/2004R g. Number: 31.195 T I ph ne Numb r: (408) 720-8300

Send t : Commissioner f r Patents, P.O. Box 1450, Al xandria, VA 22313-1450

Atty. Docket No. 04860.P1637C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Harvey, III, et al.

Application No. _____

Filed: January 26, 2004

For: RETRIEVAL OF SERVICES BY
ATTRIBUTE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Examiner: Not yet assigned

Art Unit: Not yet assigned

PETITION FOR SUSPENSION OF ACTION
UNDER 37 C.F.R. 1.103

Sir:

Applicant hereby petitions for the suspension of action in this application. At the present time, no outstanding action exists in this application. The suspension of action is requested for the reasonable time period of three months, and a check is enclosed for the necessary fee under 37 C.F.R. 1.17(i).

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

01/30/2004 HLE333 00000036 10765325

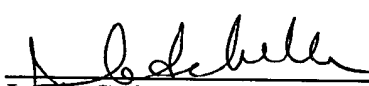
03 FC:1460

130.00 OP

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 1/26, 2004


James C. Scheller, Jr.
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"Express Mail" mailing label number: EV 409 362 325 US

Date of Deposit: January 26, 2004

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

Connie Thayer

(Typed or printed name of person mailing paper or fee)

Connie Thayer
(Signature of person mailing paper or fee)

1-26-04
(Date signed)

